

MONTANA LEGISLATIVE HISTORY

Chapter 463 19 93Bill H _____ S 323 Original bill & history ☒ cH. Committee on JudiciaryHearing Date(s) Mar 17 ☒ cMar 26 ☒ c_____ ☐ c_____ ☐ cDate Out Mar 27 ☒ cS. Committee on JudiciaryHearing Date(s) Feb 15 ☒ cFeb 15 ☒ c_____ ☐ c_____ ☐ cDid this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SB 323 INTRODUCED BY CHRISTIAENS, ET AL.
 AUTHORIZE ESTABLISHMENT OF BOOT CAMP INCARCERATION PROGRAM
 FOR OFFENDERS CONVICTED OF CERTAIN FELONIES

2/05	INTRODUCED		
2/05	REFERRED TO JUDICIARY		
2/05	FIRST READING		
2/05	FISCAL NOTE REQUESTED		
2/11	FISCAL NOTE RECEIVED		
2/12	FISCAL NOTE PRINTED		
2/15	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED		
2/22	2ND READING PASSED	48	0
2/23	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO JUDICIARY		
2/23	FIRST READING		
3/17	HEARING		
3/27	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED	79	20
4/01	3RD READING CONCURRED	79	19
	RETURNED TO SENATE WITH AMENDMENTS		
4/05	2ND READING AMENDMENTS CONCURRED	49	1
4/06	3RD READING AMENDMENTS CONCURRED	47	3
4/13	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		
4/16	TRANSMITTED TO GOVERNOR		
4/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 463		
	EFFECTIVE DATE: 07/01/93		

SB 324 INTRODUCED BY FRITZ, ET AL.
 REVISE RESTRICTIONS ON ANNEXATION

2/05	INTRODUCED		
2/05	REFERRED TO LOCAL GOVERNMENT		
2/05	FIRST READING		
2/16	HEARING		
2/19	COMMITTEE REPORT—BILL NOT PASSED		
2/19	ADVERSE COMMITTEE REPORT ADOPTED	40	10

SB 325 INTRODUCED BY BECK, ET AL.
 CLARIFY INTEREST TAXED IN BENEFICIAL USE TAX
 BY REQUEST OF DEPARTMENT OF REVENUE

2/05	INTRODUCED		
2/05	REFERRED TO TAXATION		
2/05	FIRST READING		
2/17	HEARING		
3/05	COMMITTEE REPORT—BILL PASSED		
3/06	2ND READING PASSED	46	0
3/08	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
3/09	REFERRED TO TAXATION		
3/09	FIRST READING		
3/11	HEARING		
3/12	COMMITTEE REPORT—BILL CONCURRED		
3/15	2ND READING CONCURRED	97	0
3/18	3RD READING CONCURRED	97	1

SENATE BILL NO. 323

INTRODUCED BY CHRISTIAENS, FAGG

IN THE SENATE

FEBRUARY 5, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

 FIRST READING.

FEBRUARY 20, 1993 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 22, 1993 PRINTING REPORT.

 SECOND READING, DO PASS.

 ENGROSSING REPORT.

FEBRUARY 23, 1993 THIRD READING, PASSED.
AYES, 49; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

 FIRST READING.

MARCH 27, 1993 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 30, 1993 SECOND READING, CONCURRED IN.

APRIL 1, 1993 THIRD READING, CONCURRED IN.
AYES, 79; NOES, 19.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 5, 1993 SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 6, 1993 THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 ~~Senate~~ BILL NO. **323**
 2 INTRODUCED BY Chris Hansen
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
 5 ESTABLISHMENT OF A SHOCK INCARCERATION PROGRAM FOR YOUTHFUL
 6 OFFENDERS CONVICTED OF CERTAIN FELONIES; PROVIDING FOR
 7 POTENTIAL SENTENCE REDUCTION FOR SUCCESSFUL COMPLETION OF
 8 THE PROGRAM; PROVIDING GUIDELINES FOR THE PROGRAM; AND
 9 PROVIDING AN EFFECTIVE DATE."
 10

11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because
 13 it authorizes the department of corrections and human
 14 services to adopt rules concerning the establishment and
 15 operation of the shock incarceration program. It is the
 16 intent of the legislature that in adopting rules the
 17 department look to provisions adopted in other states that
 18 operate successful "boot camp" type programs for youthful
 19 offenders.
 20

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 NEW SECTION. Section 1. Definitions. As used in
 23 [sections 1 through 3], unless the context requires
 24 otherwise, the following definitions apply:
 25

(1) "Department" means the department of corrections

1 and human services provided for in 2-15-2301.

2 (2) "Reduction of sentence" includes changing an
 3 incarceration sentence to a grant of probation.

4 NEW SECTION. Section 2. Sentence reduction for
 5 youthful offenders. A sentencing court retains jurisdiction
 6 for purposes of this section. A sentencing court may order a
 7 reduction of sentence for a convicted offender who:

8 (1) is certified by the department as having
 9 successfully completed the shock incarceration program; and

10 (2) applies to the court within 1 year after beginning
 11 to serve a sentence at a correctional institution.

12 NEW SECTION. Section 3. Shock incarceration program --
 13 eligibility -- rulemaking. (1) The department shall
 14 establish a shock incarceration program for youthful
 15 offenders incarcerated in a correctional institution.

16 (2) In order to be eligible for participation in the
 17 shock incarceration program, an inmate must:

18 (a) be serving a sentence of at least 5 years in a
 19 Montana correctional institution for a felony offense other
 20 than a felony punishable by life imprisonment or death;

21 (b) be less than 25 years of age;

22 (c) not have served a previous sentence of
 23 incarceration as an adult in any jurisdiction; and

24 (d) pass a physical examination to ensure sufficient
 25 health for participation.

(3) The shock incarceration program must include:

(a) as a major component, a strong emphasis on work, physical activity, physical conditioning, and good health practices;

(b) a strong emphasis on intensive counseling and treatment programming designed to correct criminal and other maladaptive thought processes and behavior patterns and to instill self-discipline and self-motivation;

(c) a detailed, clearly written explanation of program goals, objectives, rules, and criteria that must be provided to, read by, and signed by all prospective enrollees; and

(d) a maximum enrollment period of 120 days.

(4) (a) Inmate participation in the shock incarceration program must be voluntary. The admission of an inmate to the program is discretionary with the department. Enrollment may be revoked only:

(i) at the participant's request; or

(ii) upon written departmental documentation of a participant's failure or refusal to comply with program requirements.

(b) A revocation of program enrollment is not subject to appeal. An inmate may not be admitted to the shock incarceration program more than twice.

(5) The department may adopt rules for the establishment and administration of the shock incarceration

program.

NEW SECTION. Section 4. Codification instruction.

[Sections 1 through 3] are intended to be codified as an integral part of Title 53, chapter 30, and the provisions of Title 53, chapter 30, apply to [sections 1 through 3].

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1993.

-End-

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0323, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act authorizing the establishment of a shock incarceration program for youthful offenders convicted of certain felonies; providing for potential sentence reduction for successful completion of the program; providing guidelines for the program; and providing an effective date.

ASSUMPTIONS:

1. Current Law reflects the Executive Budget recommendation for FY94 and FY95.
2. Swan River Forest Camp would be used as the location of the camp allowed by the act.
3. The camp would have an Average Daily Population (ADP) of 40.
4. Total cost per ADP would be approximately \$51 per day.

FISCAL IMPACT:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Expenditures:						
FTE	26.33	18.00	(8.33)	26.33	18.00	(8.33)
Personal Services	866,130	540,000	(326,130)	877,483	540,000	(337,483)
Operating Expenses	<u>309,699</u>	<u>204,400</u>	<u>(105,299)</u>	<u>315,590</u>	<u>204,400</u>	<u>(111,190)</u>
Total	1,175,829	744,400	(431,429)	1,193,073	744,400	(448,673)
Funding:						
General Fund	1,038,813	744,400	(294,413)	1,056,057	744,400	(311,657)
State Special	122,417	0	(122,417)	122,417	0	(122,417)
Federal Revenue	7,599	0	(7,599)	7,599	0	(7,599)
Proprietary	<u>7,000</u>	<u>0</u>	<u>(7,000)</u>	<u>7,000</u>	<u>0</u>	<u>(7,000)</u>
Total	1,175,829	744,400	(431,429)	1,193,073	744,400	(448,673)

David Lewis 2-11-93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Chris Christiaens 2/12/93
 CHRIS CHRISTIAENS, PRIMARY SPONSOR DATE

Fiscal Note for SB0323, as introduced

SB 323

to the members of the Human Services Committee who work on the budget. Senator Jacobson said many of the members signed on SB 271 realizing the problems of the foster care system. Senator Jacobson said SB 271 was a positive approach to clear up the foster care system.

HEARING ON SB 321

Opening Statement by Sponsor:

Senator Christiaens, District 18, said SB 321 was a revision of the medical parole statute. On page 1, lines 18 through 20, the words, "highly unlikely to present a clear and present danger to public safety" would be amended into SB 321. Page 2, line 15, the words "is likely to pose," would be amended into SB 321. SB 321 would be a cost savings bill. If just two people were paroled, there would be a savings of \$15,000 per person. The kinds of people that would be covered under SB 321 would be those who had been diagnosed with cancer, chronic heart disease, or other serious illnesses that have left them incapacitated. They would be paroled out into the community under Medicaid/Medicare type provisions. Senator Christiaens said the funding would relieve the general fund from huge medial costs.

Proponents' Testimony:

Jim Pomroy, Department of Corrections and Human Services, submitted two written statements. (Exhibit #2 and Exhibit #3) Mr. Pomroy said the amendments would simplify the issue of medical parole, without imposing a substantial risk to public safety. The Department of Corrections and Human Services urged support for SB 321.

Opponents' Testimony:

NONE

Questions From Committee Members and Responses:

NONE

Closing by Sponsor:

Senator Christiaens told the Committee that the parole boards would still hear every case and public safety would still be fully covered. Senator Christiaens urged the Committee to pass SB 321.

HEARING ON SB 323

Opening Statement by Sponsor:

Senator Christiaens, District 18, said SB 323 would authorize the establishment of a shock incarceration program for offenders

convicted of certain felonies. SB 323 would provide for potential sentence reduction for successful completion of the program and provide guidelines for those in the program. SB 323 would have an immediate effective date. Senator Christiaens proposed amendments for SB 323. Senator Christiaens told the Committee the word "youthful" would be stricken from SB 321. Page 2, line 18, "5" would be stricken and "1" would be inserted. The age "25" would be stricken and "35" would be inserted on page 2, line 21. Lines 22 and 23 would be stricken from SB 323. The program was primarily meant as a program of psychological treatment, which included basic skill training in the areas of social adjustment. The program would build self-esteem and self-pride. The program would give the parolees discipline and promote teamwork.

Proponents' Testimony:

Jim Pomroy, Department of Corrections and Human Services, showed a video tape of a shock incarceration program. Mr. Pomroy said the creation of the boot camp would be part of a package the department was proposing to better manage the prison populations. The program would provide judges with an alternative to incarceration. Mr. Pomroy said the Swan River Youth Camp would be converted into the bootcamp.

Joe Murphy, Counselor of the Wyoming Bootcamp, told the Committee about the Wyoming Bootcamp program. Mr. Murphy told the Committee it was a 90 day to a 120 day program. The program was a very structured and disciplined environment. They hold each inmate accountable for their past actions and their present actions. The program was set up for young first time offenders between the ages of 17 and 24. The average sentence in Wyoming for a first time offender was two to three years, however now they have their sentence done in 90 days. They then would be on probation. When an offender is sentenced to the penitentiary, the offender would go before the classification committee. The committee would determine whether they would be a suitable person for the program. The offenders start receiving counseling when they enter the program. Most of the offenders committed crimes of burglaries, drug related crimes, probation violations, destruction of property, and sex offenders. 238 offenders have come into the program and 178 have graduated from the program. The program does not allow offenders who have done time in a penitentiary. Mr. Murphy said security was not a problem. The inmates were supervised 24 hours a day. Each inmate receives two to three hours of training a day. The program has a GED program. Mr. Murphy said over the last 2 1/2 years, the state of Wyoming has saved approximately 3 1/2 million dollars because of the program. 84% of the graduates have not returned to prison. Mr. Murphy said there was also a graduation ceremony after the 90 days was served.

Opponents' Testimony:
NONE

Questions From Committee Members and Responses:

Senator Franklin asked Senator Christiaens about followup to the program. Senator Christiaens said a follow up program was a very crucial and important part of the program.

Mr. Murphy told the Committee the Wyoming Bootcamp was using community alternatives for follow ups. Inmates would live there and go to work. Recommendations were made for continued counseling for substance abuse. There was also a stop program, which was a surveillance program where the person would wear an electronic monitor.

Senator Franklin asked Mr. Pomroy if the Montana Bootcamp would have the same followup program. Mr. Pomroy the followup program would be a pre-release experience.

Closing by Sponsor:

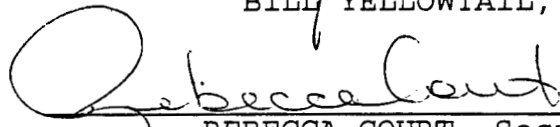
Senator Christiaens urged support for SB 323.

ADJOURNMENT

Adjournment: 11:48 a.m.



BILL YELLOWTAIL, Chair



REBECCA COURT, Secretary

BY/rc

ROLL CALL

SENATE COMMITTEE Judiciary

DATE 2-15-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	X		
Senator Doherty	X		
Senator Brown	X		
Senator Crippen	X		
Senator Grosfield	X		
Senator Halligan	X		
Senator Harp	X		
Senator Towe			X
Senator Bartlett	X		
Senator Franklin	X		
Senator Blaylock	X		
Senator Rye	X		

IMPACT STATEMENT
Department of Corrections and Human Services

DATE: February 5, 1993
TO: Mickey Gamble
FROM: Jim Pomroy
BILL NUMBER: LC0919/01 SB 323

Would the above referenced bill impact the Department fiscally or programmatically?

X Yes _____ No

If the above referenced bill impacts the Department, please review the potential impact below:

INTENT: To contribute to the successful downsizing of the prison population by creating statutory authorization for the establishment of shock incarceration programs, known as "correctional boot camps". Boot camps are diversionary in nature, intended to interrupt criminal thinking at an early date, instill discipline and self-respect, and teach positive habits and living skills.

IMPACT: Positive. Shock incarceration statutes universally provide for the modification (reduction) of the prison sentence. This, of course reduces cost in the long term for those who are successfully diverted from further incarceration. Although the sentence modification generally results in a suspension of sentence and placement on probation for the term of sentence, probationary costs represent a considerable reduction from the costs of incarceration.

Relationship to Division Goals: Positive to the degree that successful diversion occurs.

Division Comment: Although there has been mention of "sunsetting" this legislation, it may be wise for the Department to promote the idea and consider our first effort to be a pilot program, the results of which should be reported to the fifty-fourth session of the Legislature.

Prepared by: Jim Pomroy

Legal Comment:

TESTIMONY RECOMMENDED: X Yes _____ No

referred to the Finance and Claims Committee because of the fiscal note. Senator Halligan said a citizen review board was an excellent idea, but there was an existing Foster Care Review Committee in statute that was reviewed every six months.

Motion:

Senator Harp moved SB 271 be REFERRED to the Finance and Claims Committee.

Discussion:

Chair Yellowtail said SB 271 would have a substantial fiscal impact.

Senator Grosfield said SB 271 was an appropriations bill, therefore it did not belong to Finance and Claims. SB 271 spends money, it does not bring in money. There was no revenue from SB 271. Senator Grosfield said SB 271 is a regular bill that spends money.

Motion:

Senator Harp moved to TABLE SB 271.

Discussion:

Senator Grosfield said he would speak against the tabling of SB 271. Senator Grosfield said there were a lot of people who felt there were problems with the foster care system. Senator Grosfield said the citizens review boards already in place are it not working, therefore something needs to be done.

Senator Crippen told the Committee SB 271 could be sent to Finance and Claims is because nothing is being appropriated.

Senator Halligan told the Committee if SB 271 has trouble passing out of the Finance and Claims Committee, he would work with Ms. Lane to expand the membership of the existing Foster Care Review Committee. Senator Halligan said the Foster Care Review Committee does not have an additional cost because they are all volunteers.

Senator Harp withdrew his motion to TABLE.

Chair Yellowtail moved on order of business #6 to refer SB 271 to the Finance and Claims Committee.

EXECUTIVE ACTION ON SB 323

Discussion:

Chair Yellowtail explained the amendments. (Exhibit #1)

Senator Harp asked Chair Yellowtail about striking the word "youthful." Chair Yellowtail said "youthful" was struck because the age limit was increased to 35, therefore "youthful" was not necessary.

Motion:

Senator Halligan moved to AMEND SB 323.

Discussion:

Senator Harp spoke against the motion to amend. Senator Harp told the Committee he has visited the Swan River Camp several times. The facility is for young offenders. SB 323 changes the whole concept of the Swan River Youth Camp and increases the age limit. Senator Harp increasing the age limit would probably involve more hardened criminals. Senator Harp questioned the security of the facility because it is very open to the woods and accessible to Highway 83.

Senator Towe asked Mr. Gamble to address the amendment. Mickey Gamble, Department of Corrections and Human Services, told the Committee the word "youthful", was stricken so the camp could increase the age for offenders. However, the camp would mainly focus on younger offenders. The age was increased so the camp could be available for those offenders who violate their parole or probation and would fit the program. Mr. Gamble said an escape from the facility would be very limited because of what the offenders would lose and the intensity of the supervision, which is constant, 24 hours a day.

Senator Halligan asked Mr. Gamble about the inmates. Mr. Gamble said all the inmates would be adults. Anyone in the program would be adjudicated as adults.

Senator Brown asked Mr. Gamble about the location of the boot camp. Mr. Gamble told the Committee the boot camp would be located at the Swan River Youth Camp.

Senator Brown asked Mr. Gamble about the current use of the camp. Mr. Gamble said the Swan River Youth Camp would no longer be used as it is today.

Senator Towe asked Mr. Gamble about the funding. Mr. Gamble said funding for vocational education was being limited because of the short incarceration period, which is usually a 90 day period.

Senator Harp told the Committee SB 323 would be a MAJOR change.

Vote:

The motion to amend SB 323 CARRIED UNANIMOUSLY.

Motion:

Senator Towe moved SB 323 DO PASS AS AMENDED.

Discussion:

Senator Bartlett asked Mr. Gamble about the shock incarceration program. Mr. Gamble said shock incarceration is primarily focused to divert people from the system. The program would consist of offenders recommended for placement by a judge, offenders who violate parole, and offenders already incarcerated if they would fit into the program. Mr. Gamble stated that records indicate that shock incarceration was an excellent program. The program would decrease the population of the Montana State Prison.

Senator Bartlett asked Mr. Gamble about the screening process in which offenders would be allowed into the program. Mr. Gamble said in the screening process would done by a classification process. The classification process would involve a risk and need assessment as people enter the system.

Senator Bartlett asked Mr. Gamble if the people performing the screening would be specifically trained in techniques for the screening function. Mr. Gamble said yes.

Senator Bartlett said the fiscal note for SB 323 indicates an average daily population of 40 offenders. Senator Bartlett asked Mr. Gamble about the average daily population of the Swan River Youth Camp in its current function. Mr. Gamble said the Swan River Youth Camp averages between 50 and 55 offenders.

Senator Harp asked Mr. Gamble about the population in the Montana State Prison. Mr. Gamble said there were 1,162 inmates.

Senator Harp asked Mr. Gamble if the intention was to decrease the population of the state prison to 850 inmates. Mr. Gamble said yes.

Senator Blaylock asked Mr. Gamble if the community around the facility knows about SB 323. Mr. Gamble told the Committee that public hearings will be held.

Senator Bartlett asked Mr. Gamble how the offenders would be supervised with eight fewer employees. Mr. Gamble said the whole idea of a boot camp was to work together. Less employees are needed because the offenders are constantly together working as a group. The group is always under direct supervision.

Vote:

The Do Pass As Amended motion CARRIED with Senators Rye, Harp, Brown, and Halligan voting NO.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 323 (first reading copy -- white), respectfully report that Senate Bill No. 323 do pass.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

Amendments to Senate Bill No. 323
First Reading Copy

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 1 Requested by Senator Christiaens

DATE 2-19-93 For the Committee on Judiciary

FILE NO. SB323 Prepared by Connie Erickson
February 18, 1993

1. Title, line 5.
Strike: "YOUTHFUL"

2. Page 1, line 18.
Page 2, line 14
Strike: "youthful"

3. Page 2, line 5.
Strike: "youthful"

4. Page 2, line 18.
Strike: "5 years"
Insert: "1 year"

5. Page 2, line 21.
Strike: "25"
Insert: "35"

6. Page 2, lines 22 and 23
Strike: "(c)" on line 22 through ";" on line 23.
Renummer: subsequent subsection

with a hearing. Part of the problem is that current language doesn't cover a temporary restraining order (TRO) as covered in Department of Family Services (DFS) statutes. The language needs to be cleaned up to cover marriage and divorce situations.

REP. RICE referred to page 4, subsection 9, and asked Ms. Wang if that provision ties into the provision of domestic abuse statute as described in subsection (3)(a). Ms. Wang said many TROs don't hold domestic abuse charges; generally, they're grounds for domestic abuse charges. She said it's possible a TRO could have been used in the past.

Closing by Sponsor: None

HEARING ON SB 323

Opening Statement by Sponsor:

SEN. B. F. CHRISTIAENS, Senate District 18, Great Falls, addressed several new areas in the bill. On page 2, line 14, the word "youthful" was struck in the Senate Judiciary Committee, and on line 18, instead of 5 years, it should read 1 year. Also, page 2, lines 21-23 have been deleted from bill.

This bill is a new idea in Montana corrections. There are "boot camps" already in existence in other states; the state of Wyoming has had boot camp operations for the past two years, and the successes of that program are just coming forward. Probably about 72 percent who have gone through boot camp have remained out of prison for over one year; nationwide, the average of people leaving prisons is at about an 85 percent recidivism.

This Shock Incarceration center would be located at the Swan River Forest Camp and would have a great deal of emphasis on discipline, physical exercise, building up self-esteem. Young first-time incarcerated individuals would be sentenced there. They would later be reviewed and sent to a Pre-Release Center before being paroled back out into the communities. SEN. CHRISTIAENS showed a tape on the boot camp in Wyoming to give the committee a better understanding of the camp and its intent.

Proponents' Testimony:

Jim Pomroy, Department of Corrections and Human Services (DCHS). added that the boot camp would be a 120-day program. In talking to staffs of boot camps around the country, one of the things that Mr. Pomroy feels is lacking is the follow-up of boot camp experience. People go through a very rigid structured program, and they do feel good about themselves; then they're dropped back onto the streets and into the neighborhoods from which they came. Following boot camp, DCHS would like to send inmates to the Pre-

Release program for approximately 60 days. DCHS does not want to create a 6-month or 8-month pre-release program; the department intends to get these people rehabilitated in the most effective and efficient way possible.

Generally, when someone successfully completes a boot camp program, the staff contacts the judge and petitions for reduction of sentence. The remainder of the sentence stands on a provision status under supervision of the parole officer. EXHIBITS 4 and 5

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. TASH asked Mr. Pomroy what the purpose of boot camp is, besides establishing discipline. He also asked whether this new procedure could be perceived as a violation of civil rights. Mr. Pomroy said it should not violate their civil rights due to the fact that boot camps are operational now. Organizations such as ACLU have expressed concern, but they realize that participants choose this program voluntarily after understanding what is expected of them before they are given the opportunity to transfer. He doesn't believe there will be a legal problem from any civil rights organization.

REP. SMITH asked Mr. Pomroy if DCHS plans to employ more shock incarceration programs, doing away with incarceration. Mr. Pomroy said that the state prison system is offering the opportunity to parole many people who would not be able to participate in the boot camp and implement new programs at Montana State Prison. Increased community programs are being planned.

REP. BIRD asked Mr. Pomroy the results for people who have gone through the boot camp. Mr. Pomroy said the probation follow-up has only been in effect for two years. To date, recidivism rates around the country do not approach the standard level. Because of the physical requirements of the program, the age groups attending boot camp will be 25 to 35 years of age; the low-end age would be 19. REP. BIRD asked if a minor, a 14-year old for example, would be eligible for this program. Mr. Pomroy could only give his opinion that it would be reasonable that anyone committed to the Montana State Prison system would be eligible for this program, including someone as young as 14; but that is very rare. Generally, someone that age who was sent to Montana State Prison would have been sentenced for a heinous crime that would affect participation in this program.

REP. WYATT asked why the word "shock incarceration" was chosen. SEN. CHRISTIANS said that shock incarceration is used because it is a short-term situation. For a person who comes in without military background, the first few days can be tough, but it gets

their attention. With the regimented program, people start seeing differences physically as well as mentally. He made it very clear that the people who enter this program have the choice of the boot camp program or prison. In the near future at the boot camp, there will be rehabilitation programs including education and drug-dependency counseling which most offenders need. In the beginning, however, these offenders need a very structured life before going to the outside.

REP. BROWN asked Mr. Pomroy how the Montana State Prison system will fund the extra \$500,000 a year, whether it would be just cut backs in Swan River, i.e., personnel and buildings. Mr. Pomroy said it's all of those things. The intended staff of 27 has been reduced to 18. There will also be fewer inmates.

REP. RUSSELL, like REP. WYATT, is concerned with the term "shock" and asked Mr. Pomroy if he had any problems changing the name to boot camp. Mr. Pomroy did not have a problem changing the name to boot camp.

REP. RUSSELL stated that 14-year-olds are too young to go through this program with these men and asked SEN. CHRISTIAENS to comment. He agreed with Mr. Pomroy that a 14-year-old sent to Montana State Prison would be there for a heinous crime. That individual would be considered a dangerous offender and would need a much stricter environment. However, there are demonstration projects being planned for juveniles.

REP. BROOKE asked SEN. CHRISTIAENS if the Swan River program will apply to women. SEN. CHRISTIAENS said that at the moment, he doesn't believe it does because it's difficult to have a coed vocational program in this particular boot camp. There may be a plan for such a program down the road.

Closing by Sponsor:

SEN. CHRISTIAENS believes this program is needed to address first-time offenders. When the state prison system continues to do the same thing year after year with the same negative results, there needs to be a new direction. This program offers a positive change to the state prison system and its offenders.

HEARING ON SB 179

Opening Statement by Sponsor:

SEN. B. F. CHRISTIAENS, Senate District 18, Great Falls, said this bill allows private, for-profit Montana corporations to contract and operate community-based Pre-Release Centers (PRC). Currently, PRCs in the state, with the exception of the state-operated women's program in Billings and the program in Missoula, are private, non-profit. This session, the state is looking at

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL

DATE

3-17-93

NAME	PRESENT	ABSENT	EXCUSED
Rep. Russ Fagg, Chairman	✓		
Rep. Randy Vogel, Vice-Chair	✓		
Rep. Dave Brown, Vice-Chair	✓		
Rep. Jodi Bird	✓		
Rep. Ellen Bergman	✓		
Rep. Vivian Brooke	✓		
Rep. Bob Clark	✓		
Rep. Duane Grimes	✓		
Rep. Scott McCulloch	✓		
Rep. Jim Rice	✓		
Rep. Angela Russell	✓		
Rep. Tim Savles	✓		
Rep. Liz Smith	✓		
Rep. Bill Tash	✓		
Rep. Howard Toole	✓		
Rep. Tim Whalen	✓		
Rep. Karyl Winslow		✓	
Rep. Diana Wyatt	✓		

HR:1993

wp.rollcall.man

CS-09

PROPOSED TESTIMONY: SB# 323, which provides for the operation of shock incarceration programs, referred to as "correctional boot camps" is the result of several actions on the part of the Department of Corrections and Human Services to better manage and control the population of incarcerated offenders. A major change represented by this bill is found in the provision allowing the district court to retain jurisdiction in selected cases and reduce sentences in those cases, when the offender successfully completes the boot camp experience. This, of course, provides another alternative to the sentencing judges who are often frustrated by the paucity of sentencing options available to them, which at this time are limited to some type of probation or imprisonment.

At the Request of the Department, and with the cooperation of Senator Christiaens, the bill is written as broadly as we believe reasonable. For instance, many states limit shock incarceration to offenders under twenty-five years of age while others have no age limitations at all. Due to the physical demands of such programs we believe that an upper age limit of thirty-five is appropriate.

Many of you may have viewed the videotape provided to Senator Christiaens. If, however, you have not had that opportunity, I will be happy to arrange a viewing for those interested in order that you may have somewhat of a "first hand" look at the operation of one such program.

In anticipation of the approval of SB 323 and necessary funding, the Department is tentatively planning to convert the Swan River Forest Camp to a Shock Incarceration facility during the next biennium. ~~It is our intent to operate the facility as a pilot program to be evaluated by both the Department and the Legislature to determine if continued operation is warranted.~~

Amendment

Videotape

DIRECTOR

IMPACT STATEMENT
Department of Corrections and Human Services

DATE: January 22, 1993
TO: Mickey Gamble
FROM: Ted Clack
BILL NUMBER: SB179

Would the above referenced bill impact the Department fiscally or programmatically?

X Yes No

If the above referenced bill impacts the Department, please review the potential impact below:

INTENT: SB179 would authorize the Department to contract with private profit and non-profit corporations to provide correctional pre-release services.

2nd
IMPACT: Positive. This bill may encourage potential service providers to offer pre-release services to the Department. The bill also makes competition more possible within the contracted service delivery sector. Given the Department's intention to expand community based correctional services as much as possible, any impetus to develop additional services will assist the Department's efforts. Finally, profit oriented corporations may be able to initiate service programs more quickly than non-profit corporations, which tend to have fewer development resources.

Relationship to Division Goals: Positive. The effect of the bill should be to enhance the development of less restrictive program resources.

Division Comment: The Department should support this bill.

Prepared by: Ted Clack

Legal Comment:

TESTIMONY RECOMMENDED: X Yes No

1st
PROPOSED TESTIMONY: The Department of Corrections and Human Services intends to increase the proportion of offenders committed to its supervision who are located in community programs. That expansion will be pursued in lieu of expansion of more expensive institutional programs and resources. Those expansions will be

made in response to projected increases in demand for correctional programs. To date, the Department's correctional population projections have been quite accurate. There is no evidence to suggest that the size of the correctional population will decrease in the near future. Any action that will increase the availability of community based correctional services will benefit this department and the state.

DIRECTOR

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

JUDICIARY COMMITTEE BILL NO. SB 323
 DATE March 17, 1993 SPONSOR(S) C. Christensen
 PLEASE PRINT PLEASE PRINT PLEASE PRINT

[illegible]

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

these interviews are being conducted in an appropriate manner. That section doesn't provide for any input; it just provides they be allowed in the room to observe. He didn't think that was unreasonable.

REP. VOGEL said that, having participated in interviews with children who have been sexually abused, it's best if one person builds a relationship with that child. Others in the room can be distracting and cause distrust on the part of the child. He supports the amendment.

Vote: REP. BROOKE'S amendment to strike lines 19-24 on page 5 carried 17-1 with REP. WHALEN voting no.

Mr. MacMaster said page 8 of HB 127 has a minor conflict with statute 41-3-403. The minor change would be to "youth" instead of "child." He further explained the bill refers to child abuse, and HB 127 added a new provision to the section using "youth."

Motion/Vote: REP. BROWN moved a coordination instruction for HB 127 and SB 23. Motion carried unanimously.

Motion/Vote: CHAIRMAN FAGG MOVED SB 23 BE CONCURRED IN AS AMENDED. Motion carried 12-6 with REPS. BROWN, BIRD, BROOKE, MCCULLOCH, RUSSELL, and WYATT voting no.

EXECUTIVE ACTION ON SB 323

Motion: CHAIRMAN FAGG MOVED SB 323 BE CONCURRED IN.

Discussion:

CHAIRMAN FAGG strongly supports this bill because he thinks this program builds self-esteem, motivation, and gives these young men a chance to show they can do something with their lives. It's a tough program; it's disciplined; and it has been demonstrated that when they complete the program, these people have accomplished something. A great many young people have never accomplished anything in their lives, and this program gives them that chance. It's completely voluntary, it's for 120 days, and it will get them out of prison and into a different environment.

REP. WYATT personally objects to the terminology "shock" as it gives negative connotations and it's a misnomer. She will offer an amendment to change the word from "shock" to "boot camp".

REP. RICE spoke with Mickey Gamble, Administrator, Department of Corrections (DOC), about changing the name. He wasn't opposed to changing the name, but he did explain that "shock" is a natural thing that does happen to these people once they start the program, and it is the terminology used in the corrections field.

Motion/Vote: REP. WYATT moved the amendment to change "shock" to "boot camp". Amendment carried unanimously. EXHIBIT 7

REP. BIRD asked if the committee addressed the issue of allowing minors in the camp, and REP. SAYLES answered per Mr. Gamble, that by law, juveniles would not be allowed in the camp. They need different types of rehabilitation. Eighteen years of age would be the minimum age.

CHAIRMAN FAGG distributed Senate amendments striking "youthful." Apparently, these amendments were adopted in the Senate and should have been included in the bill but for some reason were not. EXHIBIT 8

Motion/Vote: REP. BIRD moved an amendment requested by SEN. CHRISTIAENS to strike "youthful." Amendment carried unanimously.

Motion/Vote: REP. RUSSELL moved an amendment to replace the word "youthful" with "women" on line 18, page 1 to read: "for female and male offenders." Amendment carried unanimously.

Mr. Pomroy, Department of Corrections and Human Services, said that the recidivism rate for those coming out of boot camp is less than those who haven't gone through it. They also go to pre-release centers.

Motion/Vote: SB 323 BE CONCURRED IN AS AMENDED. Motion carried 15-3 with REPS. WINSLOW, BROWN, AND McCULLOCH voting no.

EXECUTIVE ACTION ON SB 119

Motion: REP. TOOLE MOVED SB 119 BE CONCURRED IN.

Motion/Vote: REP. TOOLE moved an amendment to let grandchildren take an equal share in the inheritance or assets so they don't have to go to court. Mr. MacMaster will assist in drafting the amendment. Motion carried 17-1 with REP. VOGEL voting no.

REP. RUSSELL discussed the possibility of applying the Crow Indian's cultural law into state law that grandparents raise their grandchildren as their own, and these children would be considered heirs. She explained that tribes are subject to state law, and cultural relationships have been considered in the past. In the hearing, she discussed how Indian children are raised by their grandparents and in their culture they are considered their children. This had not been drafted into an amendment or a concept amendment.

Vote: SB 119 BE CONCURRED IN AS AMENDED. Motion carried 17-1 with REP. BROWN voting no.

HOUSE STANDING COMMITTEE REPORT

March 27, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 323 (third reading copy -- blue) be concurred in as amended.

Signed: Russ Fagg

Russ Fagg, Chair

And, that such amendments read:

Carried by: Rep. Fagg

1. Title, line 5.

Strike: "SHOCK"

Insert: "BOOT CAMP"

Strike: "YOUTHFUL"

2. Page 1, line 15.

Page 2, lines 9, 14, and 17.

Page 3, lines 1, 13, 22, and 25.

Strike: "shock"

Insert: "boot camp"

3. Page 1, line 18.

Strike: "youthful"

Insert: "male and female"

4. Page 2, line 5.

Strike: "youthful"

5. Page 2, line 12.

Strike: "Shock"

Insert: "Boot camp"

6. Page 2, line 14

Strike: "youthful"

7. Page 2, line 18.

Strike: "5 years"

Insert: "1 year"

8. Page 2, line 21.

Strike: "25"

Insert: "35"

Committee Vote:

Yes 15, No 3.

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March 27, 1993
Page 2 of 2

9. Page 2, lines 22 and 23.

Strike: "(c)" on line 22 through ";" on line 23

Renumber: subsequent subsection

-END-

2/26/94
FCC

Amendments to Senate Bill No. 323
Third Reading Copy

Requested by Rep. Wyatt
For the Committee on the Judiciary

Prepared by John MacMaster
March 17, 1993

1. Title, line 5.

Strike: "SHOCK"

Insert: "BOOT CAMP"

2. Page 1, line 15.

Page 2, lines 9, 14, and 17.

Page 3, lines 1, 13, 22, and 25.

Strike: "shock"

Insert: "boot camp"

3. Page 2, line 12.

Strike: "Shock"

Insert: "Boot camp"

EXHIBIT 8
DATE 3-17-93
SB 323

Amendments to Senate Bill No. 323
Third Reading Copy

Requested by Rep. Christiaens
For the Committee on the Judiciary

Prepared by John MacMaster
March 17, 1993

1. Title, line 5.
Strike: "YOUTHFUL"
2. Page 1, line 18.
Page 2, line 14.
Strike: "youthful"
3. Page 2, line 5.
Strike: "youthful"
4. Page 2, line 18.
Strike: "5 years"
Insert: "1 year"
5. Page 2, line 21.
Strike: "25"
Insert: "35"
6. Page 2, lines 22 and 23.
Strike: "(c)" on line 22 through ";" on line 23
Re-number: subsequent subsection

SENATE BILL NO. 323

INTRODUCED BY CHRISTIAENS, FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ESTABLISHMENT OF A SHOCK BOOT CAMP INCARCERATION PROGRAM FOR YOUTHFUL OFFENDERS CONVICTED OF CERTAIN FELONIES; PROVIDING FOR POTENTIAL SENTENCE REDUCTION FOR SUCCESSFUL COMPLETION OF THE PROGRAM; PROVIDING GUIDELINES FOR THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because it authorizes the department of corrections and human services to adopt rules concerning the establishment and operation of the shock BOOT CAMP incarceration program. It is the intent of the legislature that in adopting rules the department look to provisions adopted in other states that operate successful "boot camp" type programs for youthful MALE AND FEMALE offenders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definitions. As used in [sections 1 through 3], unless the context requires otherwise, the following definitions apply:

(1) "Department" means the department of corrections

and human services provided for in 2-15-2301.

(2) "Reduction of sentence" includes changing an incarceration sentence to a grant of probation.

NEW SECTION. Section 2. Sentence reduction for youthful offenders. A sentencing court retains jurisdiction for purposes of this section. A sentencing court may order a reduction of sentence for a convicted offender who:

(1) is certified by the department as having successfully completed the shock BOOT CAMP incarceration program; and

(2) applies to the court within 1 year after beginning to serve a sentence at a correctional institution.

NEW SECTION. Section 3. SHOCK BOOT CAMP incarceration program -- eligibility -- rulemaking. (1) The department shall establish a shock BOOT CAMP incarceration program for youthful offenders incarcerated in a correctional institution.

(2) In order to be eligible for participation in the shock BOOT CAMP incarceration program, an inmate must:

(a) be serving a sentence of at least 5-years 1 YEAR in a Montana correctional institution for a felony offense other than a felony punishable by life imprisonment or death;

(b) be less than 25 35 years of age;

(c) ~~not have served a previous sentence of~~

1 incarceration-as-an-adult-in-any-jurisdiction; and
 2 (d)(C) pass a physical examination to ensure sufficient
 3 health for participation.
 4 (3) The shock BOOT CAMP incarceration program must
 5 include:
 6 (a) as a major component, a strong emphasis on work,
 7 physical activity, physical conditioning, and good health
 8 practices;
 9 (b) a strong emphasis on intensive counseling and
 10 treatment programming designed to correct criminal and other
 11 maladaptive thought processes and behavior patterns and to
 12 instill self-discipline and self-motivation;
 13 (c) a detailed, clearly written explanation of program
 14 goals, objectives, rules, and criteria that must be provided
 15 to, read by, and signed by all prospective enrollees; and
 16 (d) a maximum enrollment period of 120 days.
 17 (4) (a) Inmate participation in the shock BOOT CAMP
 18 incarceration program must be voluntary. The admission of an
 19 inmate to the program is discretionary with the department.
 20 Enrollment may be revoked only:
 21 (i) at the participant's request; or
 22 (ii) upon written departmental documentation of a
 23 participant's failure or refusal to comply with program
 24 requirements.
 25 (b) A revocation of program enrollment is not subject

1 to appeal. An inmate may not be admitted to the shock BOOT
 2 CAMP incarceration program more than twice.
 3 (5) The department may adopt rules for the
 4 establishment and administration of the shock BOOT CAMP
 5 incarceration program.
 6 NEW SECTION. Section 4. Codification instruction.
 7 [Sections 1 through 3] are intended to be codified as an
 8 integral part of Title 53, chapter 30, and the provisions of
 9 Title 53, chapter 30, apply to [sections 1 through 3].
 10 NEW SECTION. Section 5. Effective date. [This act] is
 11 effective July 1, 1993.

-End-